

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH A. MORRIS,

Plaintiff,

vs.

LUSH RETAIL,

Defendant.

CASE NO.

**NOTICE OF REMOVAL**

TO: The Clerk of the Court;

AND TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

Please take notice that pursuant to 28 U.S.C. §§ 1332(a), 1441(a) & (b), and 1446(a) & (b)(1), Defendant Lush Cosmetics LLC, incorrectly named as Lush Retail (“Lush”), hereby removes the above-captioned action, from the Pierce County District Court to the Tacoma Division of the United States District Court for the Western District of Washington, based on the following grounds:

1. Lush is a defendant in a civil action captioned *Joseph A. Morris vs. Lush Retail* that was filed in Pierce County District Court under Case No. 2A732517C.

**NOTICE OF REMOVAL - 1**

**GORDON & POLSCER, L.L.C.**  
1700 Seventh Avenue, Suite 2100  
Seattle, WA 98101  
(206) 223-4226

1           2.       The civil action was commenced in state court when Plaintiff Joseph Morris filed  
2 a complaint, *pro se*, on March 11, 2022 (“Complaint”). Plaintiff improperly attempted to serve  
3 the Complaint by having the Pierce County Sherriff’s Department deliver the Complaint to an  
4 employee at a Tacoma Mall Lush retail store on March 14, 2022.

5           3.       This Notice of Removal is timely under 28 USC § 1446(b) because it is being  
6 filed within thirty (30) days of the attempted service of the Complaint on Lush, which is the  
7 initial pleading setting forth the claim for relief upon which the action is based.

8           4.       True copies of the Pierce County District Court Case Information Cover Sheet,  
9 Summons, Complaint, and Defendant Lush Cosmetics LLC’s Answer and Affirmative Defenses  
10 to Complaint are included as exhibits to this Notice of Removal. The remainder of the state  
11 court file will be submitted within 14 days of the date of this Notice. To Defendant’s  
12 knowledge, a separate Jury Demand has not been filed.

13           5.       The controversy between Plaintiff and Lush is a controversy between citizens of  
14 different states and countries. Plaintiff is, upon information and belief, an individual residing in  
15 the State of Washington.

16           6.       Lush is, and at all times material has been, a Limited Liability Company  
17 organized under the laws of the State of Delaware, whose sole member is Lush Handmade  
18 Cosmetics Inc. Lush Handmade Cosmetics Inc. is incorporated in the state of Arizona and its  
19 current principal place of business is in the United Kingdom. Upon information and belief,  
20 complete diversity exists between Plaintiff and Lush.

21           7.       This is a civil action over which the Court has original jurisdiction pursuant to 28  
22 U.S.C. § 1332, and the action is removable pursuant to 28 U.S.C. § 1441(a)-(b).

23           8.       In the Complaint, Plaintiff alleges Lush is responsible for personal injuries  
24 incurred by plaintiff when Plaintiff allegedly fell after following the instructions on a bottle of  
25 Lush shower gel to “hop in the shower and lather up.” The Complaint seeks “\$89,000 and any  
26

1 other compensation,” exclusive of interest and costs, which exceeds the jurisdictional limit of  
2 \$75,000 under 28 U.S.C. § 1332(a).

3 9. Lush will promptly file the Notice of Removal with the clerk of the Pierce County  
4 District Court, and provide written notice thereof to Plaintiff in accordance with  
5 28 U.S.C. § 1446(d).

6 DATED this 12th day of April, 2022.

7 **GORDON & POLSCER, L.L.C.**

8  
9 By: s/ T. Arlen Rumsey

10 T. Arlen Rumsey, WSBA #19048

11 1700 Seventh Avenue, Suite 2100

12 Seattle, WA 98101

(206) 223-4226

Email: arumsey@gordon-polscer.com

13 *Attorneys for Defendant Lush Cosmetics LLC,*  
14 *incorrectly named as Lush Retail*

**CERTIFICATE OF SERVICE**

I, Edward Chien declare, under penalty of perjury under the laws of the United States, as follows:

1) I am a citizen of the United States and a resident of the State of Washington. I am over the age of 18 years and not a party to the within entitled cause. I am employed by the law firm of Gordon & Polscer, L.L.C., whose address is 1700 Seventh Avenue, Suite 2100, Seattle, WA 98101.

2) By the end of business day on April 12, 2022, I caused to be served upon Plaintiff at the addresses and in the manner described below, the foregoing document.

***Plaintiff***

Joseph A. Morris  
9343 Moreland Ave SW  
Lakewood, WA 98498  
(202) 602-9030  
MooseLaw@hotmail.com

☒ U.S. Mail  
☐ Hand Delivery  
☒ E-Mail

DATED this 12th day of April, 2022.

  
Edward Chien, Paralegal